

REMARKS

Claims 1-21 are pending in the application.

Claims 1-21 are rejected.

Claims 1, 3, 4, 6, 7, 9-11, 13, 14, 16 and 18-21 are amended.

Reconsideration and allowance of claims 1-21 is respectfully requested in view of the following:

The Objection of Claims 1, 3, 6, 7, 9, 11, 13, 14, 18, 19 and 21 for informalities:

Claims 1, 18, 19 and 21 were objected to as lacking antecedent basis for reciting "and portable device". Claims 4, 6, 7, 11, 13, 14 and 19 were objected to as lacking antecedent basis for reciting "and movable front latches". Claims 3, 7, 9, and 14 were objected to as lacking antecedent basis for reciting "and vertical force". Claims 1, 18, 19 and 21 have been amended to recite "the portable device", which has antecedent basis in either the body or preamble of the objected-to claims. Claims 4, 6, 7, 11, 13, 14 and 19 have been amended to recite "the pair of moveable front latches", which has antecedent basis in either the body or preamble of the objected-to claims. Claims 3, 7, 9 and 14 have been amended to recite "the substantially vertical force", which has antecedent basis in either the body or preamble of the objected-to claims. Applicants submit that the amendments to the objected-to claims are overcome and respectfully request that the objections be withdrawn.

The Rejection of Claims 1-21 as being unpatentable over Won et al in view of Frame:

Claims 1-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Won et al. (U.S. Patent 6,744,627) ("Won") in view of Frame (U.S. Patent 6,982,702) ("Frame"). Applicants traverse these rejections on the grounds that this reference is defective in establishing a *prima facie* case of obviousness by the examiner as is required by MPEP §2142.

Independent claim 1 recites: "...indicating with a light emitting diode that the portable device and the docking device are properly docked and are communicating via the electrical connector."

Independent claims 10, 18 and 21 recite: "...a light emitting diode operable to indicate that the portable device and the docking device are properly docked and are communicating via the electrical connector."

As the PTO recognizes in MPEP §2142:

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

The USPTO clearly cannot establish a *prima facie* case of obviousness in connection with the amended claims for the following reasons.

35 U.S.C. §103(a) provides that:

[a] patent may not be obtained...if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Thus when evaluating a claim for obviousness all limitations must be evaluated. Independent claims 1, 10, 18 and 21 each require either “a light emitting diode operable to indicate that the portable device and the docking device are properly docked and are communicating via the electrical connector” or “indicating with a light emitting diode that the portable device and the docking device are properly docked and are communicating via the electrical connector.” Neither Won nor Frames disclose a light emitting diode to indicate that the portable device and the docking device are properly docked and are communicating via the electrical connector. Therefore, for at least the reasons stated above, independent claims 1, 10, 18 and 21 are submitted to be allowable and Applicants respectfully request that the rejection be withdrawn.

Dependent claims 2-9, 11-17 and 19-20 depend from and further limit independent claims 1, 10 and 18, respectively, and are submitted to be allowable for at least the reasons stated above. Therefore, Applicants respectfully request that the rejection be withdrawn.

Furthermore, the MPEP §2143.01 provides:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

With regard to independent claims 1, 10, 18 and 21, neither Won nor Frames provide any suggestion, incentive, or motivation for a light emitting diode operable to indicate that the portable device and the docking device are properly docked and are communicating via the electrical connector. Dependent claims 2-9, 11-17 and 19-20 depend from and further limit independent claims 1, 10 and 18, respectively. Therefore, for at least the reasons stated

PATENT

Docket No.: 16356.821 (DC-05237)

Customer No.: 000027683

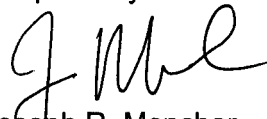
above, claims 1-21 are submitted to be allowable and Applicants respectfully request that the rejection be withdrawn.

Therefore, the Examiner's combination arises solely from hindsight based on the invention without any showing of suggestion, incentive or motivation in any reference for the combination.

Thus, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

In view of the above, it is respectfully submitted that claims 1-21 are in condition for allowance. Accordingly, an early Notice of Allowance for the remaining claims is courteously solicited.

Respectfully submitted,



Joseph R. Mencher
Registration No. 56,822

Dated: 1-26-07
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8459
Facsimile: 214/200-0853
ipdocketing@haynesboone.com


CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, via EFS-Web, on the date indicated below:

on

Date

January 26, 2007


Susan C. Lien